

**REGULAR MEETING of the Burrillville Town Council held Wednesday, January 9, 2008 at 7:15 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe**

**MEMBERS ABSENT: None**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the regular meeting held December 12, 2007 and dispense with the reading of said minutes.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**3. Public Comment:**

**Robert Bishop of Pascoag commented on the manager's contract and questioned salary and benefit increases during budget difficulties.**

**Michele Badessa of Glendale applauded snow removal from the sidewalks in Harrisville and asked where the snow was brought. Michael C. Wood, Town Manager, addressed disposal of snow.**

#### **4. General Good and Welfare of the Town of Burrillville**

- Councilor Norman C. Mainville acknowledged the deaths of (former Councilor) Harold McCabe and George Binns and shared memories of the gentlemen and discussed their many accomplishments on behalf of the Town.**
- Councilor Norman C. Mainville mentioned a recent incident on Log Road where a resident was rescued by emergency personnel, suggested that the personnel be commended at a future meeting, and spoke of the importance of competent emergency services.**
- Councilor Norman C. Mainville discussed the documentary film being produced about Zambarano Hospital and encouraged residents to share their stories with the producers. He discussed the history of the hospital.**
- Councilor Mainville offered his sympathy to Council President Nancy F. Binns on the death of her father, George Binns.**
- Councilor John M. Karmozyn announced the Alumni Education Foundation's annual dinner dance/silent auction to be held at Wright's Farm in February 2008.**
- Councilor Margaret L. Dudley noted that library relocation had started and discussed the opening of the library in April 2008.**
- Councilor Margaret L. Dudley spoke of the Citizens' Police**

**Academy, saying the next session would begin on Thursday, February 7, 2008. Councilor Dudley recommended participation, noting that applications are available on the town website..**

- Councilor Margaret L. Dudley encouraged people to wish Raymond George a happy birthday.**
- Michael C. Wood, Town Manager, wished Councilors Wallace F. Lees and Cynthia L. Roe happy birthdays.**
- Councilor Kevin M. Blais discussed the importance of carbon monoxide detectors and encouraged residents to install them in their homes and to have their furnaces checked.**

**5. Petitions: None**

**6. Special Business:**

**08-01 VOTED to move to the next agenda the adoption of a proclamation commending the Burrillville Bicentennial Commission; and a motion to dismiss the commission with sincere thanks.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**7. Unfinished Business: None**

## **8. New Business:**

**Note: Council President Nancy F. Binns noted that item #08-009 would be considered at this point on the agenda.**

**08-009 VOTED to open discussion of allocation of up to \$7,300 for the purpose of providing basic functionality for data, voice and video needs in the municipal meeting room in the new library, with funds to come from the General Government – Capital Improvement Budget (0100781).**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin M. Blais. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**Discussion: Michael C. Wood, Town Manager, said that the Library Building Committee had added components to handle wiring needs for the meeting room. He said that the current proposal would connect the meeting room to the wide area network and provide the room with basic functionality for data, voice and video needs. Mr. Wood indicated that there would be a future request for equipment in the capital budget. Edward J. Pienkos, Information Systems Manager, reviewed the work to be done, as detailed in his January 3, 2008 memo, a copy of which is on file with the record of the meeting.**

**Councilor Kevin M. Blais asked whether the work would go out to bid.**

**John P. Mainville, Finance Director, reviewed the bid process, confirming that the formal bid process is used when required. The process of estimating costs for a proposal was discussed.**

**VOTED to appropriate \$7,300 to complete the data, voice and video needs in the municipal meeting room in the new library; and, at this time, recommend that the funds come out of the General Government – Capital Improvement Budget.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-002 Correspondence from John P. Mainville, Finance Director, regarding Annual Audit Transfers and Capital Improvement Program (CIP) Carryover:**

**a) VOTED that the Town Council authorizes the attached listing of increases/decreases in Budget Appropriations for the respective municipal departments, which total \$152,850.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor**

**Wallace F. Lees.**

**Discussion: Councilor Kevin M. Blais asked that he be provided with a more detailed breakdown of the transfers.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**b) VOTED to open discussion of a motion that the Town Council authorizes the appropriation of available Capital Improvement Appropriations from fiscal year ending June 30, 2007 in the amount of \$2,068,572 to the current fiscal year ending June 30, 2008. Note: This recommendation requires the affirmative votes from at least six (6) members of the Town Council because this involves the appropriation of funding from Fund Balance.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**Discussion: Michael C. Wood, Town Manager, explained the process of Annual Audit Transfers and CIP Carryover which are necessary to**

**finalize the 2007 audit.**

**VOTED to authorize the appropriation of available Capital Improvement Appropriations from fiscal year ending June 30, 2007 in the amount of \$2,068,572 to the current fiscal year ending June 30, 2008.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**Discussion: Councilor Kevin M. Blais asked whether capital improvement funds appropriated by the Town Council are used for different projects when funding is carried over. Michael C. Wood, Town Manager, explained that the Town Council has the authority to reallocate to a different project and that money carried forward is generally carried forward to complete the project for which it was originally appropriated. Councilor Kevin M. Blais requested a list of the projects for which funds were carried forward.**

**The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.**

**08-003 VOTED to appoint Edward F. Bonczek as an alternate member**

**of the Redevelopment Agency for a one-year term to expire on December 31, 2008.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-004 Correspondence from Matthew J. Alix regarding his resignation from the Juvenile Hearing Board.**

**VOTED to receive with regret, to instruct the clerk to send a letter of thanks for his service and wish him well in his new job; and to refer the vacancy to the Screening Subcommittee.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin M. Blais. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-005 VOTED to refer the application from Charlotte Gabrielson for reappointment to the Personnel Board to the Screening Subcommittee.**



**Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-006 VOTED to refer the application from Debra L. Stockwell for appointment to a Board or Commission to the Screening Subcommittee.**

**Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Cynthia L. Roe. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-007 VOTED to appoint Richard A. Bernardo P.E. Tree Warden for 2008.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr.**

**Discussion: Councilor Kevin M. Blais pointed out that the tree warden works under the direction of the Director of Public Works and wondered why DEM had not been contacted to find someone else to serve as tree warden. The matter was discussed. Timothy F. Kane,**

**Town Solicitor, said that the charter does not preclude the appointment of Mr. Bernardo.**

**The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.**

**08-008 VOTED to open the correspondence from Councilor Margaret L. Dudley regarding her request to discuss and act on a violation of the Council's Rules of Order by Councilor Kevin M. Blais.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**Discussion: Councilor Kevin M. Blais asked whether he should recuse himself from discussion of the item. Timothy F. Kane, Town Solicitor, indicated that he does not provide ethics advice. He suggested that whenever there is doubt, the elected official should seek an opinion from the Ethics Commission. The matter was discussed.**

**Councilor Margaret L. Dudley referred to the rules of order adopted by the Town Council, citing Rule 6(E) relative to agenda packets being available on Friday morning. Councilor Dudley took exception to Councilor Blais arriving on Thursdays and instructing that the packet be delivered to the police station. Councilor Dudley recommended that if Councilor Blais should be unable to pick up his packet, then he should have someone pick it up for him.**

**Councilor Kevin M. Blais explained that his Friday work schedule precludes him from picking up the packet on Friday. Councilor Blais said that it has been the policy of the police department to pick up and deliver agendas to the Council and that he did not believe it an inconvenience.**

**Michael C. Wood, Town Manager, said that the issue could be easily resolved. He suggested that: packets are distributed on Thursdays if they are ready; Councilors might save a trip to the town building by calling to see if packets are ready; and that alternate arrangements can be made.**

**The matter was discussed.**

**Note: Item #08-009 was addressed earlier on the agenda.**

**08-009 MOTION to allocate up to \$7,300 for the purpose of providing basic functionality for data, voice and video needs in the municipal**

**meeting room in the new library, with funds to come from the General Government – Capital Improvement Budget (0100781).**

**9. Town Clerk/Communication:**

**08-010 VOTED to receive and file the correspondence from Louise R. Phaneuf, Town Clerk, regarding the School Committee's request for a joint meeting to be held on Thursday, January 10, 2008 at the June Rockwell Levy Rink for the purpose of conducting a tour and discussion relative to the rink.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-011 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding changes to the town's returned check policy.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Cynthia L. Roe. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**Discussion:** John P. Mainville, Finance Director, reviewed the changes to the returned check policy, a copy of which is on file with the record of the meeting.

**VOTED to receive and file.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**There was discussion of the practice of applying the check fee first, leaving a balance on the tax bill.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-012 VOTED to receive and file the correspondence from Verizon relative to alleged damage by D'Ambra Construction in the area of Chapel Street near Railroad Avenue.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M.**

**Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.**

**08-013 VOTED to receive and file the copy of correspondence from Michael C. Wood, Town Manager to Aram P. Jarret, Jr., Esq., regarding the full and final payment for the purchase of Map 160/ Lot 80 (lot purchased by the town to build the new town library).**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-014 VOTED to receive and file the correspondence from DEM to Joseph L. Houle, Jr., Officer of C & L Investments, LLC, regarding Permit to Alter Freshwater Wetlands, Application #05-0313, in reference to the location near Mowry Street and Steere Farm Road.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**8-015 VOTED to receive and file the correspondence from DEM to**

**James & Debra Crombie regarding Insignificant Alteration Permit, Application #06-0446, in reference to the location at 321 Knibb Road.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin M. Blais. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

#### **10. Additional New Business:**

**08-016 Request for Executive Session from Councilor Margaret L. Dudley pursuant to Rhode Island Open Meeting Act [§42-46-5(a)(1)] to discuss violation of protocols by Councilor Kevin Blais.**

**Kevin M. Blais was duly notified in advance in writing of this request for Executive Session; he was notified and advised that he could require that the discussion be held at an open meeting. Councilor Blais required that the discussion be held at an open meeting. Therefore, the request for executive session was not granted and the discussion was held in open session.**

**Timothy F. Kane, Town Solicitor, stated for the record that he had researched the propriety of including this item on an executive session call and that it was appropriate under the open meetings act. Mr. Kane further stated that, without adopting a formal protocol by**

**resolution or policy, the Town Council has no authority to act on the matter.**

**Councilor Margaret L. Dudley protested Councilor Kevin M. Blais speaking to the press about a criminal matter, noting that Council members are aware that it is not their responsibility to communicate information that they receive in these matters.**

**Councilor Blais said that he had received the information in a message from the Town Clerk on his answering machine. He said that, at the site of the investigation, he had spoken with DEM officials and hunters, and that the information was common knowledge. Councilor Blais said that he had given a brief interview to Chanel 12 but did not release new information.**

**Councilor Blais suggested that, contrary to the report provided by the Chief of Police, all information discussed had been released by the police department. Councilor Blais read from a newspaper article, comparing the many details in the article to the lack of detail in the press release provided with the Chief's report.**

**Michael C. Wood, Town Manager, asked that sensitive information communicated to the Town Council be handled responsibly. Mr. Wood explained his reasons for communicating with the Council and the reasons their discretion is necessary.**



**Col. Bernard E. Gannon, Chief of Police, addressed the Town Council, outlining the limited information released by the police department. Councilor Blais read from the newspaper article, suggesting that details in the article had been provided by Lieutenant Kevin San Antonio. Lieutenant San Antonio referred to his press release of November 9, 2007 and said that additional details included in the article were not attributed to him but may have come from someone else.**

**VOTED that a resolution be placed on the next agenda so that this does not happen again.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Cynthia L. Roe. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-016 VOTED to grant the requests for Executive Session:**

**from Michael C. Wood, Town Manager pursuant to Rhode Island Open Meeting Act [§42-46-5(a)(2)] pertaining to collective bargaining relative to The Burrillville Police I.B.P.O. Local 369; and**

**from Council President Nancy F. Binns Rhode Island Open Meeting Act [§42-46-5(a)(1)] to discuss job performance and employment**

**agreement of Michael C. Wood, Town Manager**

**Note: Michael C. Wood was duly notified in advance in writing of this request for Executive Session; he was notified and advised that he could require that the discussion be held at an open meeting.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**Note: There was a recess before executive session.**

**The Council returned to open session at 9:44 P.M.**

**VOTED to seal the minutes of executive session, noting that no votes had been taken.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**08-017 Correspondence from Nancy F. Binns, Council President, regarding her request that the Town Council act upon the**

**employment agreement of Michael C. Wood, Town Manager.**

**VOTED to approve the contract negotiated by the negotiating team with Mr. Wood.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.**

**11. VOTED to adjourn at 9:45 P.M.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.**

**The meeting was taped. The tape is on file with the record of the meeting.**

**Louise R. Phaneuf, Town Clerk**